

# **SIXTY-FIFTH DAY**

(CONTINUED)

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**MONDAY, MAY 5, 1997**

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## **PROCEEDINGS**

### **AFTER RECESS**

The Senate met at 8:30 a.m. and was called to order by Senator Harris.

### **MESSAGE FROM THE HOUSE**

**HOUSE CHAMBER**

Austin, Texas

Monday, May 5, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

#### **THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HB 104**, Relating to the punishment and eligibility for release on parole of criminal defendants who commit certain sexual offenses and sexually assaultive offenses.

**HB 126**, Relating to the time of the day at which a defendant confined on conviction of a misdemeanor discharges the sentence of confinement.

**HB 131**, Relating to political contributions made in connection with certain judicial offices.

**HB 133**, Relating to the standard of alcohol concentration used in defining the offense of driving while intoxicated.

**HB 179**, Relating to the employment of a dentist by a nonprofit health organization that primarily provides services to individuals who have AIDS or the human immunodeficiency virus.

**HB 236**, Relating to distances traveled by jurors.

**HB 253**, Relating to granting limited state law enforcement authority to marshals and deputy marshals of the United States Marshals Service.

**HB 273**, Relating to excepting certain personal information about the identity of and personal information relating to participants in a neighborhood crime watch organization from required public disclosure under the open records law.

**HB 293**, Relating to the application of the professional prosecutors law to the district attorney for the 100th Judicial District.

**HB 325**, Relating to the required distance between certain businesses that sell alcoholic beverages and a day-care center or child-care facility.

**HB 462**, Relating to the application of the professional prosecutors law to the district attorney for the 88th Judicial District.

**HB 500**, Relating to application of the professional prosecutors law to the district attorney of the 50th Judicial District.

**HB 521**, Relating to the punishment for the offense of burglary of a vehicle.

**HB 580**, Relating to enforcement of laws relating to parking by persons with disabilities.

**HB 790**, Relating to payment of compensation to employees of the Department of Public Safety.

**HB 846**, Relating to the exemption from ad valorem taxation of public property.

**HB 970**, Relating to the transportation of hazardous materials in certain municipalities.

**HB 1029**, Relating to the creation of municipal development districts; authorizing the imposition of certain local taxes and the issuance of local bonds.

**HB 1051**, Relating to requiring that proposed real property transactions between governmental bodies must be deliberated in an open meeting.

**HB 1128**, Relating to the harvesting of and payment for timber; providing for damages; creating an offense.

**HB 1173**, Relating to coverage by certain health benefit plans for certain serious mental illnesses.

**HB 1229**, Relating to application of the professional prosecutors law to the district attorney of the 32nd Judicial District.

**HB 1314**, Relating to a trust created for the management of a ward's assets.

**HB 1370**, Relating to the punishment for the offense of criminal mischief.

**HB 1377**, Relating to drug benefits available under certain health care programs administered by the Texas Department of Health.

**HB 1384**, Relating to the tuition charged to certain nonresident students registered at certain upper-level public institutions of higher education.

**HB 1401**, Relating to the regulation of automotive wrecking and salvage yards in certain counties; providing a penalty.

**HB 1448**, Relating to reporting of representation before state agencies by state officers and employees.

**HB 1449**, Relating to reporting concerning fundraising for governor for a day and speaker's reunion day ceremonies.

**HB 1521**, Relating to notice by the comptroller concerning certain unclaimed property.

**HB 1540**, Relating to the sheriff's department civil service system in certain counties.

**HB 1576**, Relating to criminal background checks of certain employees of residential dwelling projects.

**HB 1601**, Relating to requiring voter approval for the lease or sale of a certain facility owned and operated by the Lubbock County Hospital District.

**HB 1603**, Relating to changing terminology involving gender in the Election Code to gender-neutral terminology.

**HB 1640**, Relating to assessment of adult education programs and program participants.

**HB 1667**, Relating to the confidentiality of documents evaluating the performance of certain officers of community supervision and corrections departments.

**HB 1668**, Relating to the fees imposed to fund 9-1-1 services and regional poison control centers and to the oversight of the collection and use of those fees.

**HB 1692**, Relating to the operation of publicly owned and operated harbor and port facilities located in certain municipalities.

**HB 1723**, Relating to appraisal for property tax purposes of open-space land that is converted to production of timber.

**HB 1736**, Relating to the release of information regarding a registered sex offender to certain school personnel.

**HB 1795**, Relating to The University of Texas at Tyler.

**HB 1825**, Relating to access to criminal history record information by the State Bar of Texas.

**HB 1850**, Relating to protective services for elderly and disabled persons; providing a criminal penalty.

**HB 1881**, Relating to initial training and continuing education for police chiefs.

**HB 1886**, Relating to certain juror donations.

**HB 1898**, Relating to the relocation of utilities by the Texas Department of Transportation essential to the timely completion of a state highway improvement project.

**HB 1928**, Relating to the operation of juvenile pre-adjudication and post-adjudication secure detention and correctional facilities.

**HB 2018**, Relating to the allocation of space to state agencies.

**HB 2025**, Relating to the regulation of the sale and use of certain refrigerants; providing a criminal penalty.

**HB 2049**, Relating to the authority of a county to regulate certain fireworks during a drought.

**HB 2064**, Relating to the authority of certain counties to impose a county hotel occupancy tax.

**HB 2157**, Relating to reporting under the sales and use tax the value of certain tickets to an amusement service purchased for resale.

**HB 2202**, Relating to the regulation of vehicle storage facilities; providing a penalty.

**HB 2203**, Relating to a requirement that a municipality maintain a public record of its extraterritorial jurisdiction.

**HB 2285**, Relating to the ability of a commissioners court of a county to determine county courthouse security policies.

**HB 2290**, Relating to the execution of certain writs in an action to determine possession of certain leased premises.

**HB 2297**, Relating to the Texas Judicial Council.

**HB 2309**, Relating to fees charged by a justice of the peace.

**HB 2318**, Relating to the charge and control of certain state facilities located in Kerrville.

**HB 2332**, Relating to permitting the Board of Regents of The University of Texas System to convey certain real property to a political subdivision located in Hidalgo County.

**HB 2335**, Relating to the continuation of certain crime control and prevention districts.

**HB 2339**, Relating to the extension of restrictions imposing regular assessments in certain residential real estate subdivisions.

**HB 2389**, Relating to the sale of laboratory services to certain persons by the Texas Department of Health.

**HB 2397**, Relating to certain agreements to provide health care services under the Indigent Health Care and Treatment Act.

**HB 2400**, Relating to family and medical leave for certain employees; providing a civil penalty.

**HB 2438**, Relating to the fire insurance rates and fire suppression ratings of a municipality at or near the state's borders.

**HB 2442**, Relating to the prosecution of and the penalty for the offense of tampering with identification numbers.

**HB 2448**, Relating to the creation, administration, powers, duties, operation, and financing of the Lake Livingston Special Utility District; granting the authority to issue bonds.

**HB 2451**, Relating to the authority of the Department of Protective and Regulatory Services to obtain certain criminal history record information from the Department of Public Safety.

**HB 2469**, Relating to the operation of vehicles transporting timber or timber products and to the operation of vehicles transporting poles or pipe.

**HB 2525**, Relating to the rights and responsibilities of persons with disabilities.

**HB 2596**, Relating to the Texas Information and Referral Network providing information on health and human services.

**HB 2600**, Relating to the collection of delinquent obligations to the state.

**HB 2666**, Relating to enforcement of certain public health and safety ordinances by a municipality.

**HB 2671**, Relating to acceptance of an insurance binder by certain lenders.

**HB 2747**, Relating to allowing students at public junior colleges to pay tuition and fees in installments.

**HB 2795**, Relating to the composition and powers of the Texas Health Benefits Purchasing Cooperative; amending Chapter 26, Insurance Code; and declaring an emergency.

**HB 2833**, Relating to the authority of the Texas Low-Level Radioactive Waste Disposal Authority to convey or exchange property.

**HB 2861**, Relating to sanctions against retail sellers of alcoholic beverages for violations relating to minors.

**HB 2875**, Relating to minimum training standards for an employee of a regulated child-care facility.

**HB 2883**, Relating to the eligibility of certain federal officials for burial in the State Cemetery.

**HB 2922**, Relating to the county clerk's and district clerk's authority to refuse to file documents that are not accompanied by the appropriate fee.

**HB 2940**, Relating to dealing in computer equipment by a secondhand dealer.

**HB 2982**, Relating to the authority of certain counties to borrow money.

**HB 2984**, Relating to the establishment of a pilot program regarding the care, rehabilitation, and education of medically fragile children and their families.

**HB 2997**, Relating to the regulation of outdoor advertising in certain dry areas.

**HB 3016**, Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Jefferson County.

**HB 3058**, Relating to a study of admission and graduation rates at institutions of higher education.

**HB 3060**, Relating to recording of proceedings in a county court at law in Medina County.

**HB 3074**, Relating to the mitigation of, preparedness for, response to, and recovery from disasters.

**HB 3078**, Relating to an incorporation requirement of a state savings bank.

**HB 3086**, Relating to statutory probate court judges.

**HB 3135**, Relating to the application for mental retardation services by a guardian and to eligibility for guardianship.

**HB 3154**, Relating to the modification of restrictive covenants applicable to certain real property.

**HB 3161**, Relating to medical examinations required for an employee who may be entitled to workers' compensation benefits.

**HB 3207**, Relating to the regulation of political contributions and expenditures and political advertising, the registration of lobbyists, personal financial disclosure by certain holders of and candidates for state office, and the publication of summaries of opinions of the Texas Ethics Commission.

**HB 3224**, Relating to the dissolution of a beach park board of trustees.

**HB 3233**, Relating to the regulation and training of code enforcement officers.

**HB 3234**, Relating to the transfer of municipal hospital authority assets for health-related projects.

**HB 3271**, Relating to student center complex fees for institutions in The Texas A&M University System.

**HB 3329**, Relating to requirements for governmental entities that acquire real property held in trust or sell real property to a trustee.

**HB 3368**, Relating to the acquisition of real property by the General Services Commission as an alternative to leasing space.

**HB 3370**, Relating to a gift, political contribution or activity of an officer or employee of the Texas Lottery Commission or a former officer or employee of the Texas Lottery Commission.

**HB 3372**, Relating to the authority of certain municipalities to redesignate certain areas annexed for general purposes.

**HB 3440**, Relating to the cancellation or suspension of certain alcoholic beverage licenses.

**HB 3486**, Relating to the right of certain licensed peace officers to carry a concealed handgun.

**HB 3492**, Relating to the Texas Committee on Energy Policy and the Texas Energy Coordination Council.

**HB 3515**, Relating to the transfer, sale, or exchange of real property between the General Services Commission and the City of Austin.

**HB 3545**, Relating to the statutory county courts in Cameron County.

**HB 3556**, Relating to the county courts at law of Hidalgo County.

**HB 3565**, Relating to the duties of the district clerk of Nueces County.

**HB 3569**, Relating to bank accounts in the name of candidates for public office.

**HB 3581**, Relating to the termination of certain receiverships.

**HCR 2**, Requesting that the governor consider including a veterans' representative on various boards and commissions.

**HCR 21**, Declaring rodeo the official sport of Texas.

**HCR 54**, Designating the cast iron Dutch oven as the official State Cooking Implement.

**HCR 67**, Requesting the Texas Department of Transportation to erect highway signs indicating exits and directions to federal and state veterans' hospitals, clinics, and cemeteries.

**HCR 85**, Granting Dan Beto and Donna Beto permission to be buried in the Texas State Cemetery.

**HCR 86**, Requesting the placement of a marker in the Texas State Cemetery in memory of the Honorable Dave Allred.

**HCR 117**, Designating the two-step as the Official State Dance of Texas.

**HCR 156**, Directing the Texas Department of Health to develop a comprehensive plan to control the spread of Hepatitis A in Texas.

**HCR 189**, Directing the Health and Human Services Commission to improve access to healthcare for children.

**HCR 213**, Congratulating the Friendswood High School Academic Decathlon team.

**SB 82**, Relating to written communications used by voters in a polling place.

**SB 93**, Relating to providing notice to property owners of the right to protest a property tax matter.

**SB 226**, Relating to defense economic readjustment zones; authorizing the issuance of bonds.

**SB 290**, Relating to electronic assistance provided by the Health and Human Services Commission.  
(Committee Substitute)

**SB 292**, Relating to the period for early voting by personal appearance.

**SB 327**, Relating to the regular meetings of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County, Texas.

**SB 420**, Relating to the authority of certain counties to impose a county hotel occupancy tax.

**SB 503**, Relating to the continuation of the school child care services program.

**SB 626**, Relating to selection by a governmental entity of a provider of professional services.

**SB 635**, Relating to the use of money in the oil-field cleanup fund to conduct a site investigation or environmental assessment and to the recovery of costs incurred for that purpose.

**SB 639**, Relating to acceptance, approval, or revocation by the Railroad Commission of Texas of organization reports, applications for permits, or certificates of compliance.

**SB 655**, Relating to the fees charged by local governmental officials and the means by which fees may be paid.  
(Committee Substitute)

**SB 699**, Relating to the promotional appointments of police officers in certain municipalities.

**SB 702**, Relating to the imposition of administrative penalties under certain professional licensing programs.

**SB 721**, Relating to the issuance of certificates of obligation for the payment of a municipality's contractual interests in certain utilities.

**SB 804**, Relating to allowing municipalities to purchase goods for retail sale without following competitive bidding procedures.

**SB 816**, Relating to the change of name of Corpus Christi State University to Texas A&M University—Corpus Christi and to eliminating certain obsolete provisions relating to the university.

**SB 833**, Relating to the powers and duties of the General Services Commission concerning state and federal surplus and salvage property and to certain commission personnel.

**SB 912**, Relating to trusts for certain minors or incapacitated persons.

**SB 992**, Relating to the operation of the Tyler County Hospital District.  
(Amended)

**SB 1038**, Relating to the authority of the board of regents of Texas Tech University to issue certain bonds and notes on behalf of Texas Tech University and Texas Tech University Health Sciences Center.

**SB 1162**, Relating to the warranties on the transfer or presentment of demand drafts.

**SB 1219**, Relating to the power of the board of regents of The Texas A&M University System to designate Texas A&M University at Galveston as a branch campus of Texas A&M University.



**SB 1712**, Relating to authorizing the Texas Engineering Extension Service to participate in the skills development fund.  
(Committee Substitute)

**SCR 46**, Paying tribute to President George Bush.

**SCR 60**, Congratulating the Wortham High School Bulldogs on winning the Class 1A State Basketball Championship.

**SCR 67**, Congratulating the town of Ferris, Texas, on its selection as a Texas Main Street City.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 29**

House Conferees: Goodman - Chair/Naishtat/Reyna, Arthur/Staples/Van de Putte

**SB 99**

House Conferees: Pitts - Chair/Alexander/Counts/Siebert/Uher

**SB 1590**

House Conferees: Holzheuser - Chair/Flores/Patterson/Roman/Turner, Bob

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 194**

Declaring the week of October 20, 1997, as Children's Gun Safety Week.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**SESSION HELD FOR  
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer, Senator Harris in Chair, announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris Friday, May 2, 1997.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

**HB 160** (Madla) Relating to the establishment of an advisory committee to the Texas Workforce Commission on apprenticeship and job-training issues. (31-0) (31-0)

**HB 243** (Ellis) Relating to identification of individuals executing certain documents. (31-0) (31-0)

**HB 376** (Wentworth) Relating to the authority of the Bexar Metropolitan Water District to issue bonds and to enter into certain agreements. (31-0) (31-0)

**HB 527** (Nelson) Relating to the sale or lease of superconducting super collider property given to a county by the United States Department of Energy. (31-0) (31-0)

**HB 565** (Ellis) Relating to eligibility for and payment of unemployment compensation benefits. (31-0) (31-0)

**HB 566** (Ellis) Relating to certain deductions from the winnings of lottery winners. (31-0) (31-0)

Senator Ellis offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **HB 566** as follows:

(1) In SECTION 1 of the bill, in Section 466.407(a), Government Code, on page 1, line 16, strike "~~for~~" and substitute "or".

(2) In SECTION 1 of the bill, in Section 466.407(a), Government Code, on page 1, line 18, strike "; or" and substitute a period.

(3) In SECTION 1 of the bill, in Section 466.407(a), Government Code, on page 1, strike lines 19 through 21.

The committee amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **HB 566** as follows:

Strike SECTION 2 of the bill (engrossed version, page 2, lines 6-25) and substitute the following:

SECTION 2. Subchapter I, Chapter 466, Government Code, is amended by adding Section 466.4075 to read as follows:

Sec. 466.4075. DEDUCTIONS OF CHILD SUPPORT FROM CERTAIN LOTTERY WINNINGS. (a) This section applies only to a prize that is required to be awarded by the director under Section 466.402(b).

(b) The executive director shall deduct an amount a court has ordered to pay as delinquent from a person's winnings if the executive director has been provided with a certified copy of a court order and a notice of child support lien for delinquent child support created under Subchapter G, Chapter 157, Family Code.

(c) If a person's winnings exceed the amount deducted under Subsection (b) and any other section of this chapter allowing a deduction from the winnings of a lottery winner, the executive director shall pay the balance to the person. The executive director shall transfer the money deducted under Subsection (b) to the appropriate person.

(d) The commission shall adopt rules necessary to administer this section.

The committee amendment was read and was adopted by a viva voce vote.

**HB 567** (Ellis) Relating to the operation and administration of the state unemployment compensation system. (31-0) (31-0)

**HB 634** (Ratliff) Relating to installment payments on a prepaid college tuition contract. (31-0) (31-0)

**HB 707** (Galloway) Relating to payroll deductions for insurance premiums paid by certain county employees. (31-0) (31-0)

**HB 708** (Lindsay) Relating to certain county and public health district fees. (31-0) (31-0)

Senator Lindsay offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **HB 708** as follows:

(1) On page 1, line 23, following "district", add "or \$300, whichever amount is less".

The committee amendment was read and was adopted by a viva voce vote.

**HB 799** (Lindsay) Relating to short-term obligations issued by certain counties. (31-0) (31-0)

**CSHB 1404** (Bivins) Relating to the authority of public institutions of higher education to offer courses by distance learning. (31-0) (31-0)

**HB 1567** (Madla) Relating to charitable organizations created by certain hospital districts. (31-0) (31-0)

**HB 2066** (Ratliff) Relating to the powers of the Hopkins County Hospital District. (31-0) (31-0)

**CSHB 2185** (Carona) Relating to the collection of certain warrants or checks issued by a county treasurer. (31-0) (31-0)

**HB 2274** (Brown) Relating to the exemption of insurance benefits and certain annuity proceeds from seizure under process. (31-0) (31-0)

**HB 2277** (Haywood) Relating to the Fisher County Hospital District. (31-0) (31-0)

**HCR 11** (Brown) Requesting the governor to order the state flag to be flown at half-staff to honor the memory of Fort Bend County Assistant District Attorney Gil Epstein. (viva voce vote)

**SB 15** (Zaffirini) Relating to the maximum tax rate that may be levied by the Live Oak Underground Water Conservation District to pay maintenance and operating expenses. (31-0) (31-0)

**SB 16** (Zaffirini) Relating to the creation, administration, powers, duties, operation, and financing of the Bee Groundwater Conservation District;

authorizing the issuance of bonds and the imposition of taxes; granting the power of eminent domain. (31-0) (31-0)

Senator Zaffirini offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 16** as follows:

In Section 5 of the bill, add a new subsection (c) to read as follows:

(c) Notwithstanding Subsection (a) of this Section, the following provisions prevail over a conflicting or inconsistent provision in this Act:

- (1) Sections 36.107-36.108, Water Code;
- (2) Sections 36.159-36.161, Water Code; and
- (3) Subchapter I, Water Code.

The committee amendment was read and was adopted by a viva voce vote.

**SB 24** (Ratliff) Relating to the terms of the district courts in Bowie County. (31-0) (31-0)

**CSSB 839** (Bivins) Relating to allowing a governmental body to hold a meeting by videoconference call under certain circumstances. (31-0) (31-0)

**CSSB 866** (Lucio) Relating to the transfer of permits, registrations, or other authorizations issued by the Texas Natural Resource Conservation Commission. (31-0) (31-0)

**SB 1407** (Lucio) Relating to temporary tax exemptions for certain high-cost gas. (31-0) (31-0)

**CSSB 1425** (Nelson) Relating to confirmation elections for and costs relating to the establishment of certain county development districts. (31-0) (31-0)

**SB 1451** (Nelson) Relating to the addition of territory to or exclusion of territory from a county development district. (31-0) (31-0)

**SB 1582** (Wentworth) Relating to the creation, administration, powers, duties, operation, and financing of the Guadalupe County Groundwater Conservation District. (31-0) (31-0)

Senator Wentworth offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1582** as follows:

In Section 5 of the bill, add a new subsection (c) to read as follows:

(c) Notwithstanding Subsection (a) of this Section, the following provisions prevail over a conflicting or inconsistent provision in this Act:

- (1) Sections 36.107-36.108, Water Code;
- (2) Sections 36.159-36.161, Water Code; and
- (3) Subchapter I, Water Code.

The committee amendment was read and was adopted by a viva voce vote.

**CSSB 1661** (Shapiro) Relating to the recovery of certain indirect costs by the Texas Department of Transportation. (31-0) (31-0)

**CSSB 1762** (Moncrief) Relating to enforcement of laws relating to parking by persons with disabilities. (31-0) (31-0)

**SB 1871** (Duncan) Relating to adjustments in the investment capital fund. (31-0) (31-0)

**CSSB 1906** (Ratliff) Relating to the administration of oil overcharge funds. (31-0) (31-0)

**SB 1914** (Sibley) Relating to the provision of telecommunications services by the General Services Commission. (31-0) (31-0)

**SB 1925** (Ratliff) Relating to preferential rights to purchase certain surveyed, unsold land in Cass County dedicated to the permanent school fund. (31-0) (31-0)

**SCR 74** (Bivins) Supporting the desire of the board of regents of The Texas A&M University System to combine the Baylor College of Dentistry, the Texas A&M University College of Medicine, the Texas A&M University Institute of Biosciences and Biotechnology, and the Texas A&M University School of Rural Public Health into a unified administrative structure to be named the Texas A&M University System Health Science Center. (viva voce vote)

#### **BILLS REMOVED FROM LOCAL AND UNCONTESTED CALENDAR**

Senator Moncrief requested in writing that **SB 722** be removed from the Local and Uncontested Calendar.

Senator Lucio requested in writing that **SB 859** be removed from the Local and Uncontested Calendar.

Senator Barrientos requested in writing that **SB 1321** be removed from the Local and Uncontested Calendar.

Senator Wentworth requested in writing that **SB 1436** be removed from the Local and Uncontested Calendar.

#### **SESSION CONCLUDED FOR LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 8:47 a.m. adjourned until 10:00 a.m. today.

